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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,745	01/23/2004	David F. MacNeil	301700-000066	7637
43138	7590	03/31/2005		
DASPIN & AUMENT, LLP 210 WEST 22ND STREET, SUITE 102 OAK BROOK, IL 60523				
EXAMINER GREEN, BRIAN				
ART UNIT		PAPER NUMBER		
3611				

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,745	<b>Applicant(s)</b> MACNEIL, DAVID F.	
	<b>Examiner</b> Brian K. Green	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 12 November 2004.

2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 2-4, 7-12 and 15-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 10-12, 15 and 18 is/are rejected.

7) ☒ Claim(s) 2-4, 7-9, 16, 17 and 19 is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \*    c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The IDS filed on Jan. 31, 2005 has been considered. U.S. Patent No. 4,813,167 has been lined through since it has already been listed on form PTO-892 mailed on 8/6/2004.

The information disclosure statement filed on Nov. 12, 2004 fails to comply with 37 CFR 1.97(c) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

It is noted that the IDS filed on Jan. 31, 2005 is identical to the IDS filed on Nov. 12, 2004.

### ***Claim Objections***

Claims 3,7 and 19 are objected to because of the following informalities: In claim 3, line 2, "a generally planar receiving surface facing inwardly to receive the license plate" is repetitive with claim 16, line 2. A suggested correction would be to cancel this phrase in claim 3. In claim 3, lines 3-4, the rim is outward of the ribs and not inward. In claim 7, line 5, "the hole sidewall" should apparently be "the sidewall of each hole". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10,11,15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leopold et al. (U.S. Patent No. 1,664,302) in view of Dutt (U.S. Patent No. 4,308,965)

Leopold et al. shows in figures 1-3 a transparent frame (2) having a front, a periphery, an outer side and an inner side for disposal adjacent a license plate (4), a plurality of holes (6), and a rubber gasket (10). The gasket (10) inherently includes a color and is therefore considered to be a "colored gasket". The color of the gasket is visible through the frame (2). Leopold et al. does not disclose placing a channel within the frame (2) and injection molding the gasket into the channel. Dutt shows in figures 1-5 a cover (10), a channel (Dutt shows a plurality of channels which receive portions 40 or 54 or 56 or 58), an elastomeric gasket (16 or 20 or 50), and the gasket is injection molded into the channel and is strongly adhered to an inside surface of the channels, see column 4, lines 35-37. In view of the teachings of Dutt it would have been obvious to one in the art to modify Leopold et al. by placing at least one channel within the frame and injection molding the gasket into the channel since this would allow the gasket to be attached to the frame in a more secure manner and would allow the frame and gasket to be assembled together in an easier and faster manner, see Dutt, column 6, lines 27-34. In regard to claim 10, Dutt shows in figures 3-5 the idea of providing a plurality of channels in the frame.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leopold et al. (U.S. Patent No. 1,664,302) in view of Dutt as applied to claim 11 above and further in view of the applicant's admitted prior art on page 8, paragraph 0021.

Leopold et al. in view of Dutt do not disclose whether the gasket includes an ultraviolet inhibitor. The applicant discloses on page 8, paragraph 0021 that the use of gaskets with

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ultraviolet inhibitors are known in the art. In view of the applicant's admitted prior art it would have been obvious to one in the art to modify Leopold et al. by attaching an ultraviolet inhibitor to the gasket since this would create a more durable and longer lasting gasket.

***Response to Arguments***

Applicant's arguments with respect to claims 10,11,12,15, and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 2-4,7-9,16,17, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BRIAN K. GREEN  
PRIMARY EXAMINER

Bkg  
March 18, 2005